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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,034	04/08/2004	Alok Kumar	42P17967	2262
8791 7590 09/26/2008 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
HALIYUR, VENKATESH N				
ART UNIT		PAPER NUMBER		
2619				
MAIL DATE		DELIVERY MODE		
09/26/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/822,034

Applicant(s)

KUMAR ET AL.

Examiner

VENKATESH HALIYUR

Art Unit

2619

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 (claims 1, 11, 23, 28, 36, 41, 53 canceled) is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-10, 12-22, 24-27, 29-35, 37-40, 42-48, 50-52, 54-59 is/are allowed.
- 6) ☒ Claim(s) 49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendment filed on 06/11/2008 for claims 1-48 and 50-59 is sufficient to overcome Johnson et al reference except claim 49. Therefore claim 49 is rejected over Johnson et al reference. Rejection follows.
2. Claims 1-59 are pending in the application. Claims 1,11,23,28,36,41,53 are canceled.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 49 is rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al [US Pat: 6,920,146].

Regarding claim 49, Johnson et al disclosed an article of manufacture (**packet characteristic determination device, item 26 of Fig 2, Figs 1-2**) comprising: a

computer_readable medium encoded with computer-executable instructions that, when accessed by a machine, causes the machine to identify from a plurality of bins stored in a memory (**queues, item 32 of Fig 2**), a bin corresponding to a network path (**links connected to destination ports, col 4, lines 29-44**) of a received packet (**queue for each port, item 36 of Fig 2**), each of the bins including a number of rules (**port membership determination logic, item 34 of Fig 2, col 4, lines 66-67, col 5, lines 1-16**); issue a command to a classification circuit (**col 4, lines 45-59**), the command identifying the corresponding bin (**corresponding destination port queues**); copy the rules of the corresponding bin from the memory to the classification circuit (**col 4, lines 60-65**), wherein the classification circuit (**item 30 of Fig 2**) compares at least one transport level field of the received packet with each of the rules (**based on the priority packet determine the destination port queue level, col 5, lines 16-24**) and provides a match signal if a rule matches the at least one transport level field of the packet (**col 5, lines 25-30**); and in response to the match signal, apply an action associated with the matching rule to the received packet (**match first and second queue pointers, col 5, lines 31-47, col 6, lines 20-23**).

Allowable Subject Matter

5. Claims 2-10,12-22,24-27,29-35,37-40,42-48,50-52,54-59 are allowed over prior art.

The prior art fails to teach and render obvious the limitation as recited in Independent claims 6, 18,30,43,55:-

"searching a source address data structure to find a first index and a third index, the first index associated with a fully specified filter having a source prefix matching the source address of the packet, the third index associated with a partially specified filter having a source prefix matching the source address of the packet; searching a destination address data structure to find a second index and a fourth index, the second index associated with a fully specified filter having a destination prefix matching the destination address of the packet, the fourth index associated with a partially specified filter having a destination prefix matching the destination address of the packet; forming a key from the first index, the second index, and the protocol; and searching a primary table for an entry matching the key, the primary table including a number of entries, each entry corresponding to one of a fully specified filter, a fully specified filter intersection, and an indicator filter; wherein an entry of the primary table matching the key will identify the corresponding bin"

Response to Arguments

6. Applicant's arguments, see remarks, filed 06/11/2008, with respect to the rejection(s) of claim(s) 1-59 under 35 USC 102(e) have been fully considered and are persuasive for claims 1-48 and 50-59. In remarks filed on 06/11/2008, the applicant(s)

have not traversed the prior art rejection for claim 49 and therefore there is insufficient arguments for claim 49.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications should be directed to the attention to Venkatesh Haliyur whose phone number is 571-272-8616. The examiner can normally be reached on Monday-Friday from 9:00AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached @ (571)-272-7884. Any inquiry of a general

nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2600 or fax to 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

/Venkatesh Haliyur/

Examiner, Art Unit 2619

/Edan Orgad/

Supervisory Patent Examiner, Art Unit 2619